

LV-34-8





## NEGATIVE DECLARATION & NOTICE OF DETERMINATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING  
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

*Promoting the Wise Use of Land • Helping to Build Great Communities*

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ENVIRONMENTAL DETERMINATION NO. ED10-250

DATE: January 19, 2012

PROJECT/ENTITLEMENT: Hayashi Parcel Map SUB2010-00077 CO 10-0125

APPLICANT NAME: John Hayashi

ADDRESS: 2460 Garcia Way, Arroyo Grande, CA, 93420

CONTACT PERSON: Westland Engineering

Telephone: 805-541-2394

**PROPOSED USES/INTENT:** Request by John Hayashi for a Vesting Tentative Parcel Map (CO 10-0125) to subdivide an existing 55.30 acre parcel into three parcels of 52.66, 1.30, and 1.33 acres each for the purpose of sale and/or development. The project includes off-site road improvements which includes a center turn lane on South Higuera Street. The project will result in disturbance as the residentially zoned parcels are further developed. The proposal also includes an adjustment to Title 21 to allow more than five parcels to be served by a private easement. With approval of the map, seven parcels will be served by the private easement (Octagon Way).

**LOCATION:** The proposed project is within the Agriculture and Residential Suburban land use category and is located at South Higuera and Octagon Way, adjacent to the southwestern property line of the City of San Luis Obispo. The site is in the San Luis Obispo planning area.

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
976 Osos Street, Rm. 200  
San Luis Obispo, CA 93408-2040

Website: <http://www.sloplanning.org>

**OTHER POTENTIAL PERMITTING AGENCIES:** Environmental Health

**STATE CLEARINGHOUSE REVIEW:** YES ☐ NO ☒

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT** .....4:30 p.m. on February 2, 2012

**20-DAY PUBLIC REVIEW PERIOD** begins at the time of public notification

### Notice of Determination

State Clearinghouse No. N/A

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ Lead Agency  
☐ Responsible Agency approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

Stephanie Fuhs

County of San Luis Obispo

Signature

Name

Date

Public Agency



## Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

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(ver 3.4) *page form*

Project Title & No. Hayashi Parcel Map ED10-250 (SUB2010-00077 CO10-0125)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Stephanie Fuhs  
Prepared by (Print)

*Stephanie Fuhs*  
Signature

*1/4/12*  
Date

Murry Wilson  
Reviewed by (Print)

*Murry Wilson*  
Signature

Ellen Carroll,  
Environmental Coordinator  
(for)

*1/16/12*  
Date

### **Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

### **A. PROJECT**

**DESCRIPTION:** Request by John Hayashi for a Vesting Tentative Parcel Map (CO 10-0125) to subdivide an existing 55.30 acre parcel into three parcels of 52.66, 1.30, and 1.33 acres each for the purpose of sale and/or development. The project includes off-site road improvements which includes a center turn lane on South Higuera Street. The project will result in future disturbance as the residentially zoned parcels are further developed. The proposed project is within the Agriculture and Residential Suburban land use category and is located at the intersection of South Higuera and Octagon Way, adjacent to the southwestern boundary of the City of San Luis Obispo. The site is in the San Luis Obispo planning area.

The proposal also includes an adjustment to Title 21 to allow more than five parcels to be served by a private easement. With approval of the map, seven parcels will be served by the private easement (Octagon Way).

There are currently two existing legal parcels, one agriculturally zoned parcel between Highway 101 and South Higuera Street and one zoned Residential Suburban on the east side of South Higuera Street. The parcel zoned Agriculture (Proposed Parcel 1) is farmed with row crops with an open space easement over the entire 52.66 acres and an additional 60-foot conservation easement along the San Luis Creek corridor. No structural development would be allowable on this parcel without amending the open space easement.

The residentially zoned parcel is proposed to be split into two parcels of 1.3 and 1.33 acres each. There are two residences and accessory structures on Proposed Parcel 2, Proposed Parcel 3 is undeveloped. Future development on Parcel 3 could include a primary and secondary dwelling and residential accessory structures allowable in the Residential Suburban land use category. Parcel 2 could have additional accessory structures but would have to remove the existing residences to qualify for a new primary and/or secondary dwelling.

**ASSESSOR PARCEL NUMBER(S):** 076-081-026

**Latitude:** 35 degrees 14' 13" N **Longitude:** 120 degrees 40' 55" W **SUPERVISORIAL DISTRICT #** 3

### **B. EXISTING SETTING**

**PLANNING AREA:** San Luis Obispo,

LAND USE CATEGORY: Agriculture , Residential Suburban  
 COMBINING DESIGNATION(S): Flood Hazard , Airport Review  
 EXISTING USES: Agricultural uses, single-family residence(s)  
 TOPOGRAPHY: Nearly level to gently sloping  
 VEGETATION: Row crops, riparian  
 PARCEL SIZE: 55.29acres  
 SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Single Family; City of San Luis Obispo, single-family residence(s)	<i>East:</i> Agriculture; agricultural uses
<i>South:</i> Agriculture; agricultural uses single-family residence(s)	<i>West:</i> Agriculture; Highway 101, open space

### C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

#### COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Change the visual character of an area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located on South Higuera Street, a collector road. The agriculturally zoned parcel (Proposed Parcel 1) is located adjacent to Highway 101 (between South Higuera Street and Highway 101). This parcel is currently farmed with row crops and is covered by an open space easement with an additional 60-foot conservation easement over the San Luis Creek corridor. The residentially zoned parcels are located approximately 1,000 feet east of Highway 101 and southeast of South Higuera Street.

The topography of the area is characterized by an elevated Highway 101, which drops into the floodplain of San Luis Obispo Creek. The site is vegetated with seasonal row crops and riparian vegetation on the portion of the site zoned agriculture (proposed Parcel 1), and with grasses and ornamental trees on proposed Parcels 2 and 3. The two proposed residential parcels are located on a ridge that is visible from Highway 101. The area surrounding the project site is primarily located within the Agriculture land use category with agricultural uses and scattered residences. To the northeast is a large area within the Industrial land use category partially developed with light industrial uses.

**Impact.** The proposed subdivision will result in one new undeveloped residential parcel of 1.33 acres. Existing development on proposed Parcel 2 is partially visible for approximately 8-10 seconds going north and south on Highway 101 from alternating angles. New development on proposed Parcel 3 would be located along this same ridgeline and it would be anticipated to have similar visual impacts. Existing development within the view corridor reduces the potential visual impact of the proposed project, and the backdrop includes scattered residences and a large industrial building to the east of the site.

The residential parcels are fairly constrained with regard to potential building areas due to road rights-of-way and reservations for a future trail (Bob Jones Trail) and road improvements (Buckley Road extension), noise contours along South Higuera Street, recommended agricultural buffers, an active fault trend, and the alignment of the existing access easement of Octagon Way. Future development cannot be sited in such a way that the structures will not silhouette when viewed from Highway 101. Existing development on proposed Parcel 2 and on one of the parcels to the south (part of the Morabito Burke agricultural cluster subdivision) have residences that already silhouette in addition to the large industrial building to the east (Diopics), so the viewshed is somewhat compromised already.

The subject property is within the Highway Corridor Design Area of Highway 101, which protects the scenic corridor through requirements for silhouetting, grading, colors and materials, and screening landscaping. As stated above, existing and future potential building areas for proposed Parcels 2 and 3 are situated on elevations which will result in future residences silhouetting against the horizon.

In addition, the project has the potential to result in visual impacts as seen from public areas by introducing night lighting to a rural area.

**Mitigation/Conclusion.** In order to reduce additional degradation of the visual character of the area with future structural development, the following measures are proposed: use of darker exterior building materials, limiting the height of the structure(s), screening landscaping plans for future residences and accessory structures, and providing shielded lighting for future structural development. The applicant has agreed to incorporate these measures (see attached Developer's Statement) as a part of the project. Therefore, implementation of these measures will reduce the potential visual impacts to insignificant levels.

## 2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting. Project Elements.** The following area-specific elements relate to the property's importance for agricultural production:

<u>Land Use Category:</u> Agriculture, Residential Suburban	<u>Historic/Existing Commercial Crops:</u> vegetable-rotational	Yes,
<u>State Classification:</u> Farmland of Statewide Importance, Prime Farmland if irrigated, Prime Farmland if irrigated and drained.	<u>In Agricultural Preserve?</u> No	
	<u>Under Williamson Act contract?</u> No	

The soil type(s) and characteristics on the subject property include:

Concepcion loam (2 - 5 % slope). This gently sloping loamy claypan soil is considered very poorly drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having



## Exhibit B - Mitigation Summary Table

### Aesthetics

1. ~~At the time of application for construction permits,~~ the applicant shall clearly delineate the height of new development above the existing natural ground surface on the project plans. New development shall not exceed 18 feet in height above the existing ground surface.
2. ~~At the time of application for construction permits,~~ the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. The following colors/materials, or darker, shall be used: Roof - (color/material); Exterior walls - (color/material); Trim - (color/material). (All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color (review copy available at County, or go to internet website on topic such as: <http://www.it.lut.fi/ip/research/color/demonstration/demonstration.html>)
3. Prior to final inspection of construction permits, the applicant shall implement the approved color board and lighting plan.
4. At the time of application for construction permits, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The plan shall provide for at least a 50% screening of structures as seen from South Higuera Street and Highway 101 to be achieved within 5 years of landscape planting. Plant material shall be evergreen, fast-growing, drought-tolerant, and properly sized to be in scale with the proposed structure. Landscape planting shall be installed prior to final inspection or occupancy, whichever comes first.
5. At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

### Agricultural Resources

6. Prior to sale of each lot, the applicant shall provide future landowners with a notification of adjacent agricultural activities and a copy of the County of San Luis Obispo Right-to-Farm Ordinance. Notification shall include typical and potential hours of operation, the types of crops grown, and the usual activities that may occur. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity. The establishment of new agricultural uses, if done according to usual and accustomed agricultural practices, will not be considered a nuisance from the time of establishment.

**DEVELOPER'S STATEMENT FOR THE  
HAYASHI PARCEL MAP (PARCEL MAP CO 10-0125); SUB2010-00077**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

**Aesthetics**

1. **At the time of application for construction permits, the applicant shall clearly delineate the height of new development above the existing natural ground surface on the project plans. New development shall not exceed 18 feet in height above the existing ground surface.**

**Monitoring:** The Planning and Building Department shall verify compliance.

2. **At the time of application for construction permits, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. The following colors/materials, or darker, shall be used: Roof - (color/material); Exterior walls - (color/material); Trim - (color/material). (All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color (review copy available at County, or go to internet website on topic such as:  
<http://www.it.lut.fi/ip/research/color/demonstration/demonstration.html>)**

**Monitoring:** The Planning and Building Department shall verify compliance.

3. **Prior to final inspection of construction permits, the applicant shall implement the approved color board and lighting plan.**

**Monitoring:** The Planning and Building Department shall verify compliance.

4. At the time of application for construction permits, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The plan shall provide for at least a 50% screening of structures as seen from South Higuera Street and Highway 101 to be achieved within 5 years of landscape planting. Plant material shall be evergreen, fast-growing, drought-tolerant, and properly sized to be in scale with the proposed structure. Landscape planting shall be installed prior to final inspection or occupancy, whichever comes first.

**Monitoring:** The Planning and Building Department shall verify compliance.

5. At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

**Monitoring:** The Planning and Building Department shall verify compliance.

#### **Agricultural Resources**

6. Prior to sale of each lot, the applicant shall provide future landowners with a notification of adjacent agricultural activities and a copy of the County of San Luis Obispo Right-to-Farm Ordinance. Notification shall include typical and potential hours of operation, the types of crops grown, and the usual activities that may occur. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity. The establishment of new agricultural uses, if done according to usual and accustomed agricultural practices, will not be considered a nuisance from the time of establishment.

**Monitoring:** The Planning and Building Department, in consultation with the Agriculture Department, shall verify compliance.

7. Prior to recordation of final map, the applicant shall show on an additional map sheet a buffer area of 200 feet on parcels 2 and 3 from the existing agricultural area to the west (120 feet on the subject properties), and 50 feet from the adjoining Agriculture parcels on the south and east. No habitable part of the structure is allowed within the buffer area. All subsequent building permits shall show these buffers, as applicable. Any habitable area occurring within the buffer area will be in violation of the buffer policy.

**Monitoring:** The Planning and Building Department shall verify compliance.

